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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,258	02/25/2002	Kiran Venkatesh Hegde	50023.09US11	3975
23552	7590	04/18/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			STORK, KYLE R	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/084,258	Applicant(s) HEGDE ET AL.	
	Examiner Kyle R. Stork	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This non-final office action is in response to the request for continued examination and claims filed 25 January 2006.
2. Claims 1-22 are pending. Claims 1, 10, 16, and 22 are independent claims. The rejection of claims 10-15 under 35 U.S.C. 101 has been withdrawn as necessitated by the amendment. The rejection of claim 22 under 35 U.S.C. 103 under Crow et al. (US 6262724, application 1999, hereafter Crow) in further in view of Modeste et al. (US 5852800, filed 20 October 1995, hereafter Modeste) has been withdrawn as necessitated by the amendment.

### ***Claim Objections***

3. Claim 11 objected to because of the following informalities: The applicant has used the claim identifier "currently amended" with respect to claim 11. However, the applicant has not amended anything within the claim. Further, the applicant refers to "the modulated data signal" in claim 11. In view of the applicant's remarks, the examiner is considering claim 11 to be based upon: The computer-readable medium of Claim 10. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, 8-11, 16-17, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crow et al. (US 6262724, application 1999, hereafter Crow) in further view of Modeste et al. (US 5852800, filed 20 October 1995, hereafter Modeste).

As per independent claim 1, Crow discloses the method for automatically playing rich media presentations within an email, a banner ad, and a page, comprising:

- Determining when at least one of an email, a banner ad, and a page is accessed that includes access to a rich media presentation, wherein the at least one of the email, the banner ad, and the page includes a small amount of code that is used to support a variety of devices that include a variety of media playback capabilities, and wherein the code does not specify a player for the rich media presentation (column 1, lines 23-64: Here, a website comprising web pages, may contain rich media presentations (time based data) comprising video, audio, motion graphics, etc. Further, the rich media may be created and edited by a variety of interfaces. The media is capable of supporting several playback interfaces, including RealPlayers, Windows Media Player, and QuickTime)
- A device coupled to a network (column 8, lines 1-20: Here, the digital processing system is a device coupled to the network)
- Generating the rich media presentation (column 3, lines 14- 19; column 18, lines 30-38: Here, the creation of media files is the generation of the presentation)

- Providing the rich media presentation to the device (column 27, lines 5-8 and column 8, lines 1-20: Here, the media file is transferred over a network to be presented via the display)
- Automatically playing the rich media presentation (column 3, lines 14- 19; column 8, lines 1-20: Here, the presentation can be displayed or saved. The display of the presentation without saving the data is the same as automatically playing the presentation)

Crow fails to specifically disclose the method wherein playback attributes relating to a device are detected. However, Modeste discloses wherein playback attributes relating to a device are detected (column 2, lines 50-65: Here, the device speed and processor speed are detected and the playback is modified based upon the speed).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Crow's method with Modeste's method, since it would have allowed a user to receive presentations tailored to his/her display device.

As per dependent claim 2, Crow and Modeste disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Crow further discloses wherein the small amount of code is a request for an include file from a server (column 12, lines 29-67: Here, a reference is included to media stored at a server). Crow fails to specifically disclose that the information is contained in a single line. However, it was well known in the art at the time of the applicant's invention that include/reference lines are single lines, allowing for reuse of common behaviors. One example is Java's use of include statements for inheritance. It would have been obvious to one of ordinary skill in

the art at the time of the applicant's invention to have combined a single line include/reference with Crow's use of rich media presentations, since it would have allowed a user to reuse common behaviors of presentations.

As per dependent claim 3, Crow and Modeste disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Crow further discloses when the device supports playing the rich media presentation, optimizing the rich media presentation for the device based on the detected attributes (column 26, line 20- column 27, line 3: Here, the execution code of the software package interacts with the device to provide functionality). Crow fails to specifically disclose when the device does not support playing the presentation, providing the device with a link to the presentation. However, Modeste discloses providing a link to external data (column 5, lines 45-63).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Crow's method with Modeste's method, since it would have allowed a user whose device does not support the presentation to access the presentation in another manner.

As per dependent claim 5, Crow and Modeste disclose the limitations similar to those in claim 3, and the same rejection is incorporated herein. Crow further discloses the method further comprising providing a client the ability to modify characteristics associated with the rich media presentation (column 18, lines 30-38: Here, editing a presentation is modifying the characteristics).

As per dependent claim 8, Crow and Modeste disclose the limitations similar to those in claim 5, and the same rejection is incorporated herein. Crow further discloses

the method comprising delivering an image to the device that is displayed on the device at a location relating to the rich media presentation (Figure 4, items 248 and 250: Here, the media source icons are images displayed on the device and the location is related to the corresponding presentation).

As per dependent claim 9, Crow and Modeste disclose the limitations similar to those in claim 5, and the same rejection is incorporated herein. Crow further discloses the method wherein generating the presentation for the device further comprises:

- Generating a virtual player optimized for the device (column 26, line 20- column 27, line 3)
- Generating a presentation package optimized for the device (column 26, line 20- column 27, line 3: Here, the presentation package includes the functions that are executable on the device)
- Generating the media package for the device (column 2, lines 14-19: Here, the media package is generated and displayed in a primary window)

As per independent claim 10, the applicant discloses the computer readable medium having computer executable instructions for the execution of the method of claims 1 and 2. Claim 10 is similarly rejected under Crow and Modeste.

As per dependent claim 11, the applicant discloses the computer readable medium having computer executable instructions for the execution of the method of claim 3. Claim 11 is similarly rejected under Crow and Modeste.

As per independent claim 16, Crow and Modeste disclose the system for providing rich media presentation within an email, a banner ad, and a page to a device over a network comprising:

- A processor and a computer readable medium (Figure 2, items 152 and 154)
- An operating environment stored on the computer readable medium and execution on the processor (Figure 150, item 150: Here the digital processing system is the operating environment)
- A communication connection device operating under the control of the operating environment (Clark: column 5, lines 38-48: Here, a network is the communication connection)
- A rich media presentation application operating under the control of the operating environment and operative to perform the method of claims 1 and 2 (similarly rejected under Clark and Adams)
- Media playback capabilities relating to a device (Modeste: column 2, lines 50-65)

Crow fails to specifically disclose that the information is contained in a single line.

However, it was well known in the art at the time of the applicant's invention that include/reference lines are single lines, allowing for reuse of common behaviors. One example is Java's use of include statements for inheritance. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined a single line include/reference with Crow's use of rich media presentations, since it would have allowed a user to reuse common behaviors of presentations.



It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Crow's method with Modeste's method, since it would have allowed a user to receive presentations tailored to his/her display device.

As per dependent claim 17, the applicant discloses the system for the execution of the method of claim 3. Claim 17 is similarly rejected under Crow and Modeste.

As per dependent claim 21, the applicant discloses the system for the execution of the method of claim 8. Claim 21 is similarly rejected under Crow and Modeste.

6. Claim 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crow and Modeste in further in view of Adams (US 2002/0124100, application 2000).

As per dependent claim 7, Crow and Modeste disclose the limitations similar to those in claim 5, and the same rejection is incorporated herein. Crow and Modeste fail to specifically disclose the method wherein providing the rich media presentation to the device, further comprises using an email serving engine. Adams further discloses the method wherein providing the rich media presentation to the device, further comprises using an email serving engine (paragraph 0032: Here, the presentation is emailed to a user).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Crow and Modeste's method with Adam's method of distributing a presentation through an email serving engine, since it would have allowed a user to view the presentation without specifically visiting the network location containing the presentation.

As per dependent claim 20, the applicant discloses the system for the execution of the method of claim 7. Claim 20 is similarly rejected under Crow, Modeste, and Adams.

7. Claims 4, 6, 12-15, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crow and Modeste in further in view of Wade (US 2002/0019831, application 2001).

As per dependent claim 4, Crow and Modeste disclose the limitations similar to those in claim 3, and the same rejection is incorporated herein. Crow and Modeste fail to specifically disclose the method wherein the rich presentation is within the banner ad, further comprising making the banner ad selectable by the device; and performing an action when the banner ad is selected. Wade discloses the method wherein the rich presentation is within the banner ad, further comprising making the banner ad selectable by the device; and performing an action when the banner ad is selected (paragraph 0054 and paragraph 0057: Here, an advertisement is presented through a banner ad. When an action is taken on the ad, the ad server traces the efficiency of the ad based upon several factors, one being the extent to which the ad was played and the user interaction with the ad).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Crow and Modeste's method for displaying presentations with Wade's method of presenting a banner ad and performing actions

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when selected, since it would have allowed for a user's preferences to be tracked through interaction with the ad (Wade: paragraph 0057).

As per dependent claim 6, Crow and Modeste disclose the limitations similar to those in claim 5, and the same rejection is incorporated herein. Crow and Modeste fail to specifically disclose utilizing an ad serving engine. Wade discloses utilizing an ad serving engine (paragraph 0052).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Crow and Modeste's method for displaying presentations with Wade's method of utilizing an ad server, since it would have allowed for ads to be incorporated into web pages viewed by a user.

As per dependent claim 12, the applicant discloses the computer readable medium having computer executable instructions for the execution of the method of claim 4. Claim 12 is similarly rejected under Crow, Modeste, and Wade.

As per dependent claim 13, the applicant discloses the computer readable medium having computer executable instructions for the execution of the method of claim 6. Claim 13 is similarly rejected under Crow, Modeste, and Wade.

As per dependent claim 14, Crow, Modeste, and Wade disclose the limitations similar to those in claim 12, and the same rejection is incorporated herein. Adams further discloses the data signal wherein providing the rich media presentation to the device, further comprises using an email serving engine (paragraph 0032: Here, the presentation is emailed to a user).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Crow, Modeste, and Wade's data signal for playing presentations with Adam's method of distributing a presentation through an email serving engine, since it would have allowed a user to view the presentation without specifically visiting the network location containing the presentation.

As per dependent claim 15, Crow, Modeste, and Wade disclose the limitations similar to those in claim 12, and the same rejection is incorporated herein. Crow further discloses the method comprising delivering an image to the device that is displayed on the device at a location relating to the rich media presentation (Figure 4, items 248 and 250: Here, the media source icons are images displayed on the device and the location is related to the corresponding presentation).

As per dependent claim 18, the applicant discloses the system for the execution of the method of claim 4. Claim 18 is similarly rejected under Crow, Modeste, and Wade.

As per dependent claim 19, the applicant discloses the system for the execution of the method of claim 6. Claim 19 is similarly rejected under Crow, Modeste, Wade.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crow and Modeste in further in view of Flynn et al. (US 6567918, filed 28 January, hereafter Flynn).

As per independent claim 22, the applicant discloses a limitations similar to those of claims 1 and 2, and Crow and Modeste disclose similar limitations. Crow fails to

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specifically disclose determining if a request comes from an affiliated site. However, Flynn discloses determining if a request comes from an affiliated site (column 3, lines 37-57: Here, a non-trusted site is not allowed to run active content. Conversely, a trusted site is allowed to run active content). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Flynn with Crow, since it would have prevented a user from executing malicious content from non-trusted sites (Flynn: column 3, lines 37-57).

### ***Response to Arguments***

9. Applicant's arguments filed 25 January 2006 have been fully considered but they are not persuasive.

With respect to claims 1 and 16, the applicant argues that Crow fails to disclose the amended claim limitations of claim 1 (page 7). However, the examiner respectfully disagrees. Crow discloses determining when at least one of an email, a banner ad, and a page is accessed that includes access to a rich media presentation, wherein the at least one of the email, the banner ad, and the page includes a small amount of code that is used to support a variety of devices that include a variety of media playback capabilities, and wherein the code does not specify a player for the rich media presentation (column 1, lines 23-64: Here, a website comprising web pages, may contain rich media presentations (time based data) comprising video, audio, motion graphics, etc. Further, the rich media may be created and edited by a variety of

interfaces. The media is capable of supporting several playback interfaces, including RealPlayers, Windows Media Player, and QuickTime).

With respect to claim 10, the applicant further argues that Crow fails to disclose determining when a presentation is contained within an email, a banner ad, and a page (page 8). However, the examiner respectfully disagrees. Crow discloses determining when at least one of an email, a banner ad, and a page is accessed that includes access to a rich media presentation, wherein the at least one of the email, the banner ad, and the page includes a small amount of code that is used to support a variety of devices that include a variety of media playback capabilities, and wherein the code does not specify a player for the rich media presentation (column 1, lines 23-64: Here, a website comprising web pages, may contain rich media presentations (time based data) comprising video, audio, motion graphics, etc. Further, the rich media may be created and edited by a variety of interfaces. The media is capable of supporting several playback interfaces, including RealPlayers, Windows Media Player, and QuickTime).

10. Applicant's arguments with respect to claims 2 and 22 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claim 2, the applicant argues that Crow fails to disclose a single line of code that is a request for an include file from a server (page 8). The examiner agrees. The examiner has modified the rejection of claim 2 to address the amended claim limitation.

With respect to claim 22, the applicant argues that Crow fails to disclose the amended claim limitation. The examiner agrees, and the rejection has been modified to address the amended claim limitation.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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